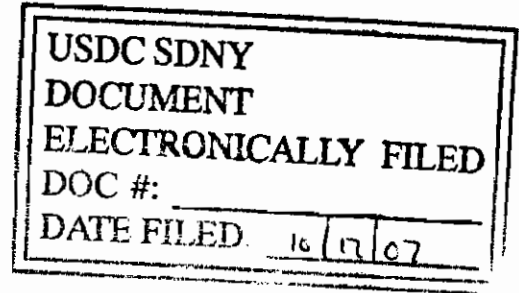


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
GREAT EASTERN SHIPPING CO. LTD., :
Plaintiff, :
:
-v- :
:
PHOENIX SHIPPING CORPORATION, :
and PHOENIX SHIPPING PTY LTD., :
Defendants. :
:
-----X



07 Civ. 8373 (DLC)

ORDER

DENISE COTE, District Judge:

Plaintiff Great Eastern Shipping Co. Ltd. obtained on October 12, 2007 an Amended Ex Parte Order for Process of Maritime Attachment and Garnishment. On October 17, defendants Phoenix Shipping Corporation and Phoenix Shipping Pty Ltd. filed a proposed order to show cause why an order vacating the ex parte order of attachment should not issue, based on case law from the Southern District of New York suggesting that a maritime attachment should not have issued on plaintiff's allegedly unripe indemnification claims. At a conference held the same day, this Court questioned why this authority ostensibly undercutting plaintiff's application had not been cited by plaintiff in its initial and amended applications to this Court. Accordingly, it is hereby

ORDERED that plaintiff show cause why the following order should not issue:

It is hereby ORDERED that Great Eastern Shipping Co. Ltd. shall, in cases where the parties are governed by the Inter-Club New York Produce Exchange Agreement of 1996 and the law of England, in any application for ex parte relief based on a contingent indemnity claim, bring to the court's attention the split of authorities in the Southern District of New York concerning the viability of plaintiff's application for maritime attachment.

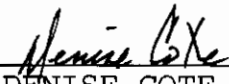
IT IS FURTHER ORDERED that plaintiff's renewed application for an attachment is due on November 2, 2007. Plaintiff shall include its response to the above order to show cause with this application.

IT IS FURTHER ORDERED that defendant's opposition to plaintiff's application is due November 16, and defendant's reply is due November 26.

IT IS FURTHER ORDERED that at the time any motion is fully submitted, the moving party shall supply two courtesy copies to Chambers.

SO ORDERED.

Dated: New York, New York
October 17, 2007



DENISE COTE
United States District Judge